

REMARKS

The Examiner indicates, in the Office Action dated 01/09/2006, that Claims 4, 6, 7, 11, 14-39, and 68-71 are allowed, and that Claims 47, 48, 52, 54, 61, and 64 contain allowable subject matter. Applicants thank the Examiner for the indication of allowable subject matter, and submit that the remaining claims are allowable in accord with the above amendments and the following remarks.

Minor clarifying amendments have been made in the specification. Claims 9, 54, 58, 64, and 66 have been canceled. Claims 1, 4-6, 8, 10-11, 14-45, 17, 21, 31, 36, 40, 45-46, 48-49, 57, and 67-69 have been amended. New independent Claim 72 has been added. New Claim 72 finds support in e.g. original Claim 57, and elsewhere. Claims 1-40, 42-53, 55-57, 59, 61, 65, and 67-72 are now in the application. Reconsideration of the application is respectfully requested in light of the foregoing amendments and the following remarks.

Amendments to the Specification

The specification has been amended at various places to reflect that the transition sections 82 and the transfer webs 86 are subset expressions of interface member 76.

The amendment at page 27 lines 23-33 clarifies the language by deleting the extraneous word at.

Applicants submit that all amendments to the specification are fully supported by the application as originally filed, and introduce no new matter.

Claim Objections

Claims 1, 4-6, 8-11, 14, 15, 17, and 21 stand objected to because of asserted formalities.

The examiner asserted that, in each of Claims 1, 4-6, 8-11, 14, and 15 "such third surface" lacks antecedent basis. Applicants respectfully traverse the objection. Applicants submit that an electronic search of all of the claims shows that the asserted language does not exist in any of Claims 1, 4-6, 8-11, 14, or 15, or in any other claim at issue herein, whereby the examiner's objection is moot and must be withdrawn.

The examiner asserted that, in Claims 17 and 21, the language "to such third" is unclear. Applicants submit that an electronic search of all of the claims shows that the asserted language does not exist in either Claim 17 or Claim 21, or in any other claim at issue herein, whereby the examiner's objection is moot and must be withdrawn.

The examiner asserts that there is no antecedent basis for a "third surface". Applicants submit that an electronic search of all of the claims shows that the asserted language does not exist in any of the claims at issue herein, whereby the examiner's objection is moot and must be withdrawn.

Applicants contemplate that the examiner may be referring to the "third section" of the jamb assembly guard, recited as e.g. element (c) in Claim 1. Applicants submit that the third section is amply represented in the specification by outer leg section 52, whereby the scope of the third section is abundantly clear. Applicants made the change from "outer leg section" to third section in the interest of avoiding confusion between a "door leg section" and an outer leg section. If the examiner believes that third section is not sufficiently definite and/or clear, the examiner is invited to suggest alternative language.

In any event, applicants submit that the examiner's objections, as asserted, have been rendered moot and must be withdrawn.

#### Rejection of Claims under 35 U.S.C. § 102(b)

Claims 1-3, 5, 8-10, 12, 13, 40, 42-46, 49-51, 55-57, 58, and 65-67 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,203,130 to Freelove. Applicants respectfully traverse the rejection.

Claim 1, as amended, recites said guard defining a terminal edge thereof which does not extend substantially beyond the door leg section. By contrast, Freelove teaches a guard S, comprising an inner subassembly A, and two like retainers R and R' (column 6 lines 8-9). Freelove's guard S covers the entirety of the front, back, and center sections, of the jamb. Even if one considers only the center section A, the guard extends past applicant's door leg section at Freelove's wall 53. Accordingly, the reference is defective to teach or suggest the invention as claimed in Claim 1.

In light of the above, applicants submit that Claim 1, and all claims dependent therefrom, are allowable over the reference, and the rejection based on Freelove must be withdrawn. Withdrawal of the rejection of Claim 1, and all claims dependent thereon, based on the Freelove reference, and allowance of all such claims, is respectfully requested.

Claim 5 recites that the guard "*covers less than the entirety of a width of the inner-facing surface of a such door jamb assembly for which said guard has been designed and configured*". The examiner asserts that when considering element 51 alone the apparatus covers less than the entire width of the inner surface. Applicant submits that the examiner's statement does not address the claimed invention in light of the teaching of the reference. The examiner's statement is ineffective to defeat patentability for each or 2 reasons.

1. Freelove is clear that he requires that his guard cover the full width of the doorway, including both trim elements, in order to protect both the jamb and the trim elements from damage over an indefinite period of time. To use only subassembly A of Freelove does not accomplish the objectives of the Freelove invention. The examiner cannot pick and choose piece-parts at will from the reference, absent some suggestion in the reference, of using less than the entire assembly as taught. The reference teaches use of an assembly. The examiner is limited to asserting points of anticipation or obviousness on the basis of the assembly. Assertions on the basis of individual elements does not meet the examiner's requirement of making a case of *prima facie* obviousness.
2. The Freelove guard is mounted to the jamb assembly/trim elements using retainers R and R'. Freelove provides no mechanism for mounting subassembly A if retainers R and R' are not used. Accordingly, the examiner must go beyond the teachings of Freelove to find operability in any assertion of subassembly A alone. Since the examiner has not done that, his assertion of Subassembly A as basis for rejecting Claim 5 is defective and must be withdrawn.

Accordingly, Applicants submit that Claim 5 is allowable on the merits, including over the Freelove reference, and all rejections based on the Freelove reference must be

withdrawn. Withdrawal of the rejections of Claim 5, and all claims dependent therefrom, on the basis of the Freelove reference, and allowance of Claim 5, and all such claims, is respectfully requested.

Claim 8 has been amended to recite that the third section extends to a curled cushioning distal end overlying outer surface (38) of the trim element, which faces away from the building. By contrast, element 84 of Freelove, asserted by the examiner, forms a non-cushioning curl at the equivalent of Applicant's surface 94. Freelove's element 84 is no more than an attachment mechanism, and does not provide the cushioning functionality of the claimed invention.

Thus, the claimed point of novelty distinguishes both as to location of structure and as to function of that structure. Accordingly, Claim 8, and all claims dependent therefrom, are allowable over the reference. Withdrawal of the rejection of Claim 8, and all claims dependent therefrom, and allowance of Claim 8 and all such dependent claims, is respectfully requested.

Claim 10 recites a second leg member 52B attached to a first leg member 52A at a locus displaced from a distal edge (84A) of the first leg member. Applicants invite the examiner's attention to Applicant's FIGURE 8E. By contrast, all of the attachments in the reference are engaging the ends of each of the elements being attached. Namely, Freelove has no teaching which corresponds to such displaced locus of attachment. Accordingly, Claim 10, and all claims dependent therefrom, are allowable over the reference. Withdrawal of the rejection of Claim 10, and all claims dependent therefrom, and allowance of all such claims, is respectfully requested.

Claim 40 has been amended to recite said guard defining a terminal edge thereof which does not extend substantially beyond the door leg section. By contrast, Freelove teaches a guard S, comprising an inner subassembly A, and two like retainers R and R' (column 6 lines 8-9). Freelove's guard S covers the entirety of the front, back, and center sections, of the jamb. Even if one considers only the center section A, the guard extends

past applicant's door leg section at Freelove's wall 53. Accordingly, the reference is defective to teach or suggest the invention as claimed in Claim 40.

In light of the above, Applicants submit that Claim 40, and all claims dependent therefrom, are allowable over the reference, and the rejection based on Freelove must be withdrawn. Withdrawal of the rejection of Claim 40, and all claims dependent thereon, based on the Freelove reference, and allowance of all such claims, is respectfully requested.

Language of Claim 54 has been amended into Claim 49, such that Claim 49 recites weather stripping adjacent the door-arresting surface, said door leg section being disposed between the door-arresting surface and said weather stripping, without interfering with routine mounting, or routine operation, of the weather stripping. Freelove is silent as to weather stripping, or the door leg section being disposed between such weather stripping and the door-arresting surface. Accordingly, Claim 49 distinguishes over the reference, whereby Claim 49, and all claims dependent therefrom, are allowable over the reference. Withdrawal of the rejection of Claim 49, and all claims dependent therefrom, is respectfully requested.

Independent Claim 57 recites methods of protecting a door jamb assembly during a construction project. The method includes, among other things, mounting a guard and a first door slab to the jamb assembly early in the construction project, and removing the guard, and replacing the first door slab with a second door slab, toward or at the end of the construction project.

No reference of record teaches or suggests mounting and removing a guard and replacing a first door slab with a second door slab, all as part of a construction project. Accordingly, Claim 57, and all claims dependent therefrom, are allowable over all references of record. Applicants respectfully request withdrawal of the rejection of Claim 57 and all claims dependent therefrom, on the basis of Freelove, and allowance of Claim 57, and all references of record.

New Claim 72 is derived from method Claim 57, and recites "*toward or at the end of the construction project, removing the jamb assembly guard*". Freelove does not address any construction project. Indeed, Freelove discusses long-term use of the guard on the jamb to provide ongoing protection of the jamb and trim elements from damage.

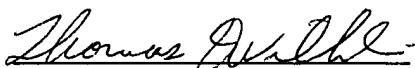
By contrast, Applicant's method recites a specific event-related end to the installation of guards of the invention, whereby the guards of the invention and the methods of their use are inherently distinguishing over the methods of use of the guards taught in the references of record. Accordingly, Claim 72 is allowable over all references of record. Allowance of Claim 72 is respectfully requested.

Applicants thus submit that all claims as presented herein are allowable over all references of record. Allowance of all claims is respectfully solicited.

Applicants hereby request a one-month extension in the time, to May 9, 2006, to respond to the above-noted Official Action. A check in the amount of \$60 is enclosed to cover the fee for the one-month extension of time. No other fee is believed to be due. Should any other fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Respectfully submitted,  
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